

**Forest Practice Committee (FPC)**

*The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growing and harvesting of commercial forests and to protect soil, air, fish and wildland, and water resources.*

**COMPLETED OR SUBSTANTIALLY COMPLETED IN 2014**

1. **Regulatory amendments to 14 CCR §§ 895.1, 929.1 & 1052- Native American Notification for Emergency Notice of Timber Operations**
2. **Development of a Board Policy that pertains Oak Woodland Management**
3. **Emergency Regulation for Water Drafting amending 14 CCR § 916.2**
4. **Regulatory amendments to 14 CCR §§ 957 & 917.2(a) [937.2(a), 957.2(a)] – Timely treatment of slash associated with Timber Operations under Plans and Fire Safe Exemptions:**

**PRIORITY 1:**

1. **14 CCR § 916.8 [936.8, 956.8] – Sensitive Watersheds**

**Objective/Status:** *The Department has requested that the Board evaluate this existing regulation to determine if a need is still present for these provisions to be included in the Forest Practice Rules. The FPC began assessing the issue in 2014 and will continue work into 2015.*

2. **Consistency of NSO rules with USFWS guidance and Definition of Activity Center**

**Objective/Status:** *FPC recommended publication of a 45-day Notice of Rulemaking for the “Activity Center Definition” rule proposal in 2013. The Board subsequently authorized publication of 45-day Notice, but has postponed publication of the Notice in anticipation of in anticipation the Fish and Game Commission will adopt findings in regards to the pending NSO listing candidacy in December 2015.*

*The FPC will continue review of NSO rule consistency issues in 2015 once the Fish and Game Commission has adopted finding in regards to the pending candidacy of NSO.*

3. **Regulatory amendments for permanent T/I rules: Cumulative Effects (14 CCR § 916.9 (d)).**

**Objective:** *Review of current status of cumulative effects process including a review of Technical Rule Addendum No. 2.*

**Status:** *FPC will continue addressing this matter in 2015.*

4. **Regulatory amendments to 14 CCR § 1104(g)(2) - Definition of Timberland Conversion within THP Lands**

**Objective:** Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in Timber Production Zone (TPZ) where an immediate re-zone out of TPZ has been approved. State law does not recognize zoning as a controlling factor in the conversion of timberland. The Department has requested that the Board bring the current definition of conversion into conformance with State law to recognize all timberland conversions regardless of zoning status.

5. **Regulatory amendments to 14 CCR 895.1 – “Crop of Trees, Available for, and Capable of”**

**Objective/Status:** The Department has made the request to address the definition of “crop of trees” to aid the Department in identification of timberland. No progress to date.

**Status:** This is a recent submittal by the Department and the FPC intends on addressing this issue in 2014.

**PRIORITY 2:**

6. **Regulatory amendments for permanent T/I rules: Monitoring. (14 CCR 916.11)**

**Objective/Status:** FPC to begin work following completion of T/I road rules. To be delegated for initial review to Effectiveness Monitoring Committee.

7. **Stocking levels - Existing Stocking Standards may be too high to achieve landowner goals within some forest types.**

**Objective/Status:** The request has been made to investigate the current stocking standards as they relate to various regeneration methods and fuel hazard reduction within certain forest types. AB 2082 was chaptered by the Administration in 2014, which provide additional support for the FPC to address this issue in the near future. No progress to date.

**PRIORITY 3:**

8. **Site Index for major Young-Growth Forest Woodland Species in Northern California: Discussion of update to 14 CCR 1060 Site Classification.**

**Objective/Status:** FPC completed initial review of topic in April-June of 2010. FPC deferred additional work until road rules are completed.

9. **14 CCR § 913.4(d) - Variable Retention silvicultural prescription**

**Objective/Status:** The current regulations as they apply to Variable Retention do not specify reentry period for leave areas. Minimum age of application is the same as even age regeneration? No progress to date.

10. **14 CCR § 1054.8 – Order of the Board**

**Objective/Status:** The Department has requested that the Board consider amending this rule section for purposes of obtaining consistency with PRC § 4582.7(d) and 14 CCR § 1037.6. Additionally, the Department has requested that the Board take into consideration the lack of consistency between PRC § 4582.7(d) and 14 CCR § 1037.6 with current CEQA Guidelines and case law as they pertain to re-circulation of a Plan with substantial new information. No progress to date.

**11. Department disallows use of the Transition silviculture method when applied to stands which have been previously harvested utilizing the Selection method.**

**Objective/Status:** Does not conform with 14CCR § 913.2(b) or (b)(2). Past harvest history should not be a condition of the application of any silvicultural prescription. THP was returned on this issue without being evaluated through PHI to support the determination. No progress to date.

**12. Should mechanical feller-bunchers be classified as "heavy equipment" in WLPZs?**

**Objective/Status:** No progress to date.

**13. 14 CCR § 914 [934, 954] - Tractors shall not be used in areas designated for cable yarding except to pull trees away from streams.....Such exception (s) shall be explained and justified...Suggest replacing language to allow usage subject to the limitations of 14 CCR § 914 [934, 954].2 (f)- prohibitions on steep slopes.**

**Objective/Status:** No progress to date.

**14. 14 CCR § 916.9(s) [936.9(s), 956.9(s)] [in part], No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for...**

**Objective/Status:** Should be considered in the context of 14 CCR § 1104.1(a)(2)(F), which allows conversion activities in the WLPZ where specifically approved by local permit. Defer to the county in these situations? Restriction of timber operations in the WLPZ affects timber operations conducted in compliance with defensible space regulations. There appears to be a conflict between this subdivision and PRC § 4291 and 14 CCR § 1299. No progress to date.

**Issues related to THP form and content**

**15. Restating FPRs in THPs: Consider allowing the statement of compliance with specific rule section (s) by number, rather than using language out of the FPRs. New THP form under development, will be addressed.**

**Objective/Status:** No progress to date.

## **16. CCR § 1034, Contents of Plan**

### ***Objective/Status:***

- a. *(r) How the requirements of 14 CCR 1032.7(f) are to be met. The reference to 1032.7(f) is obsolete, since it refers to the past requirement that the RPF distribute and publish a copy of the NOI. No progress to date.*
- b. *(x)(7), [On a plan map, show the location of all watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing. (See above).]*
- c. *Board should consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements considered a required portion of a harvesting plan. This ensures a central location where the RPF could be assured of finding what is considered essential information in a harvesting document. Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09. No progress to date.*

## **17. 14 CCR § 1032.7(d) and (D09 #15)14 CCR § 1092.04(d) [in part], A Notice of Intent [NOI] shall include the following information: (4) the acres proposed to be harvested. (5) The regeneration methods and intermediate treatments to be used.**

### ***Objective/Status:***

- a. *(4) Board should amend this paragraph to include all acres where timber operations will occur, not just the area where timber will be harvested. In doing so, the Board should consider the current definition of logging area and the lack of a definition of plan area.*
- b. *(5) Requires stating the regeneration methods and intermediate treatments to be used. This paragraph may not capture all possible treatments that may occur, e.g., special prescriptions and other types of associated timber harvesting, such as road right-of-way or timberland conversion.*
- c. *Item was initially addressed by Management Committee in 2010 in form of rule proposal to amend NTMP NTO requirements. Item was remanded back to Management Committee following publication of 45-day Notice of Rulemaking in December 2010 and initial hearing in February 2011. Management Committee was directed to review necessity of proposal and consider its combination with THP NOI amendments. Management Committee last discussed item at March 2011 meeting and deferred further action until Department could provide additional information related to necessity.*

## **18. Regulatory amendments to 14 CCR § 1032.10 - Notice of Timber Operations. The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV watercourse(s) which receives surface drainage from the proposed timber operations. The notice shall ....**

**Objective/Status:** The Department has requested the following items be potentially addressed in regards to Notice of Timber Operations. No progress to date.

- a. Overland flow or channel flow?
- b. Publication may need to be given in a newspaper of general circulation. CAL FIRE assumes this requires notification as defined in Government Code §§ 6000-6027.
- c. A tie should be made with the requirement to provide protection to domestic water supplies, as required per 14 CCR § 916.10 [936.10, 956.10].
- d. Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.
- e. Does a plan have to be returned where the RPF requests an exemption from one of the noticing requirements and CAL FIRE does not accept the request. The rule requires at least ten days passing after notification before submission of the plan.
- f. The 4<sup>th</sup> sentence should be changed to use the proper verb, "affect," in place of "effect."

**19. 14 CCR § 1035.1, 1035.2, 1035.3, 1035.4. LTO's have reported that they have been cited by state regulatory agencies with responsibility and liability for violations, errors, or other wrongful actions taken to comply with a Timber Harvest Plan or other timber management document, where the LTO was following the direction of a Registered Professional Forester (RPF) in taking the action.**

**Objective:** The Board of Forestry should review those sections of statutory law and the Forest Practice Rules relating to the responsibilities of both LTOs and RPFs for actions undertaken under a Timber Harvest Plan, and the necessary meetings should be held so that liability and responsibility is not wrongly affixed to an LTO for work performed in accordance with the direction of the RPF on the Timber Harvest Plan.

**20. 14 CCR §§ 1020 -1030. In December of 2012 a number of LTOs were informed that their licenses were unable to be renewed and issued in accord with renewal deadlines, because of "delays in the State Printer's office in getting notices out to LTOS." Though LTOs must postmark their renewal applications by December 1 of the year in which their license expires (per Forest Practice Rule 1026(b)), many LTOs could not do so as they had not received renewal notices.**

**Objective:** (1) CALFIRE assure both initial licensing and renewal are done in a timely manner. (2) Renewals be issued so that an LTO will not have a "gap in time" during which he or she is not licensed (3) LTOs receive proper early notice of upcoming renewal dates and requirements.